

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

REMARKS/ARGUMENTS

Entry of the amendment in the above identified patent application and reconsideration and reexamination are hereby requested.

Claims 1 - 16, 22 - 26 and 32 are now pending in the application. Claims 1 and 2 have been amended. Claims 33 and 34 have been added.

The Examiner has rejected Claims 1 12, 16, 22 - 26 and 32 under 35 U.S.C. §102(b) as being anticipated by Arango. The Examiner has also objected to Claims 13 - 15 , but would find them allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants' amended Claim 1 calls for (underlining added for emphasis) ... A method for transferring data from a first switch to a second switch, selectively by line-switching or packet switching, comprising: ... locating the first switch or the second switch at an end terminal of a user for connecting the end terminal to a packet-switching network or a line-switching network, ... the first switch having access to a line-switching network managed by a network management system; ... establishing a connection through the line-switching network from the first switch to an access point of the packet-switching network; ...

Applicants' amended Claim 2 calls for (underlining added for emphasis) ... A method for transferring data from a first switch to a second switch, selectively by line-switching or packet switching, comprising: ... locating the first switch or the second switch at an end terminal of a user connecting the

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

end terminal to a packet-switching network or a line-switching network, the first switch having access to the line-switching network and the packet switching network, ...

As such, Applicants submit that Claims 1 and 2 are not anticipated by Arango under 35 U.S.C. §102(b).

In accordance with present invention data is transferred selectively by line-switching or packet-switching. The first switch and the second switch are located at respective end terminals and are not part of the network infrastructure, but connect to the network infrastructure at access points which are part of the network infrastructure.

Arango, on the other hand provides for an individual access link to connect an end terminal to an access point of the network infrastructure. Referring to Arango column 9, line 61 to column 10, line 1, and FIG. 6, access points 220, 240 of Arango can be seen to be not located at an end terminal of the user but are part of the network infrastructure. Access link 212 between end terminal (host) 210 and access point 220 can be an analog telephone line, ISDN-line, a leased digital line or a cable television network link. Accordingly, there is provided an individual access link 212 to connect the end terminal (host) 210 to the access point 220. Access point 220 is not located at an end terminal but represents part of the network infrastructure.

Further it is to be noted that access points 220, 240 both include ordinary routers 224. A router is a device or a software in a computer that determines the next network point to

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

which a packet should be forwarded towards its destination. Accordingly, it is necessarily part of a network structure.

Also, Arango, at column 1, lines 28-41, teaches that each access point a, b, c, or d is typically part of a network access provider network. Accordingly, it is explicitly stated that the access points are part of a network access provider network.

Still further, the Examiner refers to FIG. 1 of Arango and contends that access point c would locate right next to the end terminal host h8 in figure 1. However, the Applicants submit that FIG. 1 is only a schematic drawing from which the skilled person would not deduct an actual proximity of elements shown in the figure. Further, it is explicitly stated in Arango, column 1, lines 57 - 64, that r1 - r18 (and thus also r11 of access point c to which end terminal host h8 is connected) are routers which simply receive communicated data from one node and transmit it to another note. Accordingly, host h8 is connected to a router which is part of the network infrastructure.

Therefore, the Applicants submit that it would be clear to one skilled in the art that Arango teaches that access points 220 and 240 are part of a network infrastructure and are not located at an end terminal.

Accordingly, Applicants submit that Claims 1 and 2 are not anticipated by Arango under 35 U.S.C. §102(b).

Claims 3 -16 and 32 are dependent on Claim 1. Claims 3, 4, 7, 8, 13 - 15, 22 - 26 and 32 are dependent on Claim 2. As such, the claims are believed allowable based upon Claims 1 and 2 respectively.

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

The Applicants have also submitted new Claims 33 and 34.

Claim 33 calls for (underlining added for emphasis): A method for transferring data from a first switch to a second switch, selectively by line-switching or packet switching, comprising: ... locating the first switch or the second switch at an end terminal of a user for connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to a line-switching network managed by a network management system; ... establishing a connection through the line-switching network from the first switch to an access point of the packet-switching network; ... establishing the line-switching connection, during an existing transfer, directly from the first switch to the second switch solely through the line-switching network with a presence of the control signal, if the line-switching connection is not yet present ...

Claim 34 calls for (underlining added for emphasis): A method for transferring data from a first switch to a second switch, selectively by line-switching or packet switching, comprising: ... locating the first switch or the second switch at an end terminal of a user connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to the line-switching network and the packet switching network, both managed by a network management system; ... establishing the line-switching connection, during an existing transfer, directly from the first switch to the second switch solely through the line-switching network with a

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

presence of the control signal, if the line-switching connection is not yet present; ...

The Applicants submit that new Claims 33 and 34 are novel for the same reasons set forth above for Claims 1 and 2.

In addition, it is to be noted that an embodiment of the present invention provides for the first switch and the second switch being directly connected through a line-switching connection, without first going to a packet-switching connection. The embodiment of the present invention further provides for a line-switching connection being established from the first switch to the second switch solely through the line-switching network. To establish a line-switching connection, data are transmitted only over the line-switching network, i.e., the packet-switching network is not involved at all in the establishment of the line-switching connection. Data can be transferred directly from the first switch to the second switch through the line-switching network.

On the other hand, as taught by Arango, to establish a connection over the guaranteed bandwidth network (which may be a line-switching ISDN-network) a kind of handshaking-protocol takes place over the packet-switching WAN 230. In Arango, column 11, lines 8ff, it states: "If so, OGB server 228 transmits a message packet via the ordinary packet router 224, the line 231 and WAN 230 to the host 250." In Arango column 11, lines 29ff, it states: "The host 250 may respond by transmitting a message packet back to the OGB server 228 via the line 252, access server 242, router 244, link 232, WAN 230, link 231, router 224 and bus 225." As such, only after an agreement has been reached

Appln No. 09/147,970
Amdt date July 3, 2003
Reply to Office action of March 7, 2003

by the signaling over the packet-switching network, the data are sent over the guaranteed bandwidth network 260 (see also Arango column 12, lines 15-25). Accordingly, different than that of present invention, Arango discloses establishing a line-switching connection through the packet-switching network. It is therefore not described, taught or suggested by Arango to establish the line-switching connection from the first switch to the second switch solely through the line-switching network.

Also, in the Arango patent, the data are first communicated through a local area network 225 in access point 220. As stated in column 13, lines 15-20, the packets are first received at the access server 220 which routes them (over the LAN 225) to the guaranteed bandwidth router 226. Accordingly, an additional routing-step takes place in the Arango reference. To this end, it is required that OGB server 228 modifies the routing table of access server to cause the access server 222 to route packets originating from host 210 to the guaranteed bandwidth (see Arango column 12, line 22-25).

The present invention does not require routing of data packets in a LAN and modifying routing tables for establishing a line-switching connection. When establishing a line-switching connection, data are transferred directly from the first switch to the second switch through the line-switching network.

Therefore, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior

**Appln No. 09/147,970
Amdt date July 3, 2003**

Reply to Office action of March 7, 2003

art and that all the rejections to the claims have been overcome. Entry of the Amendment and reconsideration and reexamination of the above Application is requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP


By _____
Richard J. Paciulan
Reg. No. 28,248
626/795-9900

RJP/cah
CAH PAS513403.1-* 07/3/03 1:54 PM